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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/625,897	07/24/2003	Axel Von Bergen	13909-118001 / 2003P00313	1193		
32864 7590 06/18/2007 FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAM	EXAMINER		
			BRADLEY, MATTHEW A			
			ART UNIT	PAPER NUMBER		
			2187			
			MAIL DATE	DELIVERY MODE		
			06/18/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)
10/625,897	VON BERGEN ET AL.
Examiner	Art Unit
Matthew Bradley	2187

	Matthew Bradley	2187				
The MAILING DATE of this communication appe	ars on the cover sheet with the c	orrespondence add	ress			
THE REPLY FILED <u>04 June 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.						
1.  The reply was filed after a final rejection, but prior to or on this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliance time periods:	ving replies: (1) an amendment, aft tice of Appeal (with appeal fee) in (	fidavit, or other evider compliance with 37 C	nce, which FR 41.31; or (3)			
a) The period for reply expires 3 months from the mailing date of the final rejection.						
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.						
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).						
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
NOTICE OF APPEAL	" " " 05 050 44 05	<i>m</i> ,				
<ol> <li>The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any exte a Notice of Appeal has been filed, any reply must be filed AMENDMENTS</li> </ol>	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of th	ns of the date of e appeal. Since			
3. The proposed amendment(s) filed after a final rejection,	hut prior to the date of filing a brief	will not be entered b	0031160			
<ul> <li>(a) ☐ They raise new issues that would require further co</li> <li>(b) ☐ They raise the issue of new matter (see NOTE belo</li> </ul>	nsideration and/or search (see NO w);	TE below);				
(c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or						
(d) ☐ They present additional claims without canceling a NOTE: <u>See Continuation Sheet</u> . (See 37 CFR 1.1		ected claims.				
4. The amendments are not in compliance with 37 CFR 1.1.		ompliant Amendment	(PTOL-324).			
5. Applicant's reply has overcome the following rejection(s)	:					
6. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).						
7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:						
Claim(s) allowed:						
Claim(s) objected to: Claim(s) rejected: <u>4-31</u> .						
Claim(s) withdrawn from consideration:						
AFFIDAVIT OR OTHER EVIDENCE						
<ol> <li>The affidavit or other evidence filed after a final action, bu because applicant failed to provide a showing of good an was not earlier presented. See 37 CFR 1.116(e).</li> </ol>						
9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to of showing a good and sufficient reasons why it is necessar	overcome <u>all</u> rejections under appe	al and/or appellant fa	ils to provide a			
10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER						
11. ☐ The request for reconsideration has been considered bu	it does NOT place the application i	n condition for allowa	nce because:			
12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)  13. Other:						
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Continuation of 3. NOTE: During the interview conducted on 17 May 2007, the Examiner and Applicant discussed proposed amendments to overcome the rejections set forth in the Office Action mailed 3 April 2007. The Examiner indicated to Applicant that the proposed amendments appear to overcome the rejections, however, additional consideration would be required upon formal submission to be sure the amendments comply with 35 U.S.C 112 and to be sure the amendments did not raise an issue of new matter or significantly change the scope of the claims. Accordingly, additional consideration is required as a result of the formal submission of the amendments